

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
NORTHERN DIVISION

No. 2:10-CV-10-F

MARLEN GUADALUPE LANDEROS )  
COVARRUBIAS; SANDIVEL )  
VILLANUEVA FLORES; RITA DORALI )  
CURIEL SANDOVAL; and all others )  
similarly situated, )  
Plaintiffs, )  
v. )  
CAPT. CHARLIE'S SEAFOOD, INC.; )  
PHILLIP CARAWAN; and )  
TARA FOREMAN, )  
Defendants. )

O R D E R


This matter is before the court on the parties' Joint Motion to Hold in Abeyance [DE-48] the deadline of March 9, 2011, imposed by order of February 8, 2011 [DE-47], by which the defendants must file their Response, if any, to the plaintiffs' Motion for Conditional Certification of Collective Action, for Disclosure of Contact Information for Potential Opt-in Plaintiffs, and to Distribute Court-Approved Notice [DE-32] pursuant to 29 U.S.C. § 216(b). Since August 2010, the parties, upon representation that they were in the process of settling the case, have sought and obtained six (6) extensions of time within which defendants may file their Response.

The parties in this seventh motion suggest that the court suspend the defendants' obligation to respond to the pending Conditional Certification motion [DE-32] until such time as the parties may finalize their settlement, and file a joint motion for class certification and/or motion for preliminary approval of the settlement agreement. The motion does not estimate when these events are likely to occur.

The parties' Joint Motion to Hold in Abeyance [DE-48] is DENIED. The deadline now in effect for defendant's Response, is EXTENDED to and including **June 13, 2011**, at which time *either* the defendants shall file their Response, if any, to all matters raised in the plaintiffs' Conditional Certification [DE-32]; *or in the alternative* the parties shall file a joint Motion for Class Certification pursuant to Rule 23, FED. R. CIV. P., and joint motion for Preliminary Approval of Class Action Settlement. A future request for yet another extension of the Response deadline shall be accompanied by affidavit(s), filed under seal by the moving party's counsel, detailing those efforts that were and are being expended to finalize the negotiations to which reference has been made in the previous seven motions.

SO ORDERED.

This, the 10<sup>th</sup> day of March, 1011.

  
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JAMES C. FOX  
Senior United States District Judge